## AGRE PER BOOKS.

The Telmod.

All scholars, whether Jewish or non-Jewish will be interested to learn that a new and com plete translation of the Babylonian Talmud is now in course of publication by the New Amsterdam Book Company, was have already isaned the initial volume, comprising the tract 'Sabbath." The reviser of the new Hebrew taxt, which is to be put forth by the same publishers, and which is the basis of this version, is Dr. Michael. L. Rodersson, to whom we are also indebted for the present translation. He is already widely and favorably known by some twenty theological works in Hebrew, German, and English, and the method and plan of the ok before us have been warmly commended by Prof. Lazarus of Berlin and by Dr. Landau. chief rabbi of Dresden. The accuracy of the English translation is vouched for by the Rev. Dr. Isaac M. Wise of Cincinnati, by whom, in collaboration with other competent authorities on Hebrew and English literature, it has been revised. We scarcely need to point out that the un-dertaking, now mairly launched, is one of unique importance. For more than 1,200 years the Talmud, although known to be an encyclopedia of lewish erudition, religion, and philosophy, has baffled all attempts at adequate translation, an has remained, for the general reader, at least, a scaled volume. A lifetime spent in its study has been hitherto considered needful to master the intricacies of diction, the intricacies of phraseology, and the obscurities of allusion encountered in its 5,000 pages. Even Dr. Rodkinson does not purpose to lay before the reader a translation of the text of the Taimud as it is monly received, for this is full of repetitions and interpolations, due to the treatment which the manuscripts have received from copylsts and commentators since 600 A. D., when the canon was closed. Dr. Rodkinson's edition of the Hebrew text will exclude such repetitions and interpolations, thus effecting a material reduction in size. He will also redress the omission of punctuation in the original text, which s one of the reasons why the Taimud has been inaccessible to all except thorough Hebrew scholars.

What is the Talmud? Even this fundamental mestion is often incorrectly answered. The Talmud is a compliation of treatises on civil and criminal jurisprudence, on Hebrew theolo my and ceremonial, on ethics, on abstract philosophy, and on other sciences. The multifarious compilation is the outcome of studies at various scats of learning, established mainly Babylonis, which studies were prosecuted during about seven hundred years, or from about 100 B. C. to 600 A. D. The entire Talmud contains two distinct departments, viz., the Mishna, or "oral law," and the Gemara, or "Conclusion." The oral law, or Mishna, was compiled in Palestine by Rabbi Jehudan Ha-nassi. The so-called "Conclusion," or Gemara, rises an extensive collection of subsequent discussions and commentaries upon the "oral law." These discussions were carried on during a period of some five centuries in colleges, especially founded for the purpose in Babylonia (after the Jews were barred out of Palestine by the Romans), and were finally closed and scaled with the injunction that nothing more be added. It is the thirty-five treatises, in which the discussions of the oral law were classified in the Babylonian colleges that constitute the Talmud proper, and it i these treatises which are represented in Dr. Rodkinson's translation.

From the beginning of its history the Talmud has had to encounter vehement resistance as well as defamation. At the beginning of its formative period it was surrounded by enemies such, for example, as the Sadducees. Even after its canon was fixed, the Karaites tried to destroy or belittle its influence, and their few surviving descendants in Russia and Austria still reject its authority. Even in the West large numbers of Jews professedly repudiate it, denying that they are Taimudic Jews, or have any sympathy with Talmudism. As a matter of fact, however there are only the few Karattes in Russia and Austria, already mentioned, and the still fewer Samaritans who are really not Talmud Jews The radical and the reformer, the conservative and the orthodox Jew not only find their exact counterparts in the Talmud, but they all, also follow, in many important particulars, the practices instituted through its authority. They all observe, for instance, New Year's Day, Penteost (as far as its date and significance are con cerned), the Quaddish, and so forth. The nodern Jew is, in truth, the product of the Talmud, which, as Dr. Rodkinson demonstrates by numerous citations, is a work replete with the broadest sympathies, the most liberal impulses and the widest humanitarianism. Nothing, in deed, would seem to be more unreasonable than the prevailing notions about this ancient encyclopedia. Assuredly, it is far from being the its enemies have depicted. On the contrary, it rebels against shackles of every kind. It recognizes no anthority except conscience and reason It is the bitterest enemy of superstition and

This brings us back to the question, What the Talmud is, a question not sufficiently answered by a description of its contents. Let us hear Dr. Rodkinson explain what at all events the Talmud is not. Certainly, he says, it is not a mere commentary upon the Bible or Penta-. It would be a singular kind of exegests which should propound maxims contradictory of the text it professes to expound. Such contradictions are frequent in the Talmud. Take, for instance, the saying of Rabbi Jose, one of the most renowned doctors of the Mishna, who by his assertion. " Neither did the Shekhina de scend to the earth, nor did Moses and Elijah asand to heaven," contradicts such explicit statements in the Bible as "And the Lord came down upon Mount Sinal;" "And Moses went unto God:" "And Elijah went un by a whirlwind into heaven." It is to be noted that no Jew has ever accused the author of this remarkable saying of heresy; only weak attempts have been made by later students of the Talinud mitigate the import of the saying by a forced explanation, namely: "That the Shekhina, when descending to the earth, never comes below ten hands in height, where the dominion of the earth begins." This explanation was made to pacify the minds of the masses, ose faith, it was thought, might suffer, wer Rabbi Jose's contradiction of Scripture to stand unmodified. Let us see next how the Pentateuchal injunction, "An eye for an eye and a tooth for a tooth." is treated in the Talmud, It is explained as referring to a pecuniary indemnity, and it is impossible not to see that the Talenudists were aware that their exegesis was forced, but were too advanced in civilization not to recognize the injustice and cruelty of enforcing literally the Hiblical law, Similarly, the "forty stripes," which, according to Deuteronomy, are to be inflicted for certain crimes are reduced in the Talmud to thirty-nine. This is obviously a case not of exegosis, but of modified legislation. The reason for the modification is obvious. As the expressly prohibits any excess in the number of stripes, "lest thy brother seem vile unto thee," the tale of punishment was shifted, so that not by any possibility could the limit originally established be exceeded. The famous Rabbi Johanan, the supposed author of the Palestinian Talmud, did not scruple to make a statement which positively con-tradicts the libbe. According to him, the Deluge, which, as we are told in tienesis, spread over the whole earth, did not extend over Palestine. From such examples, which might be indefinitely multiplied, of Biblical statements contradicted, or of Biblical laws so modified that their original form is irrecognizable, the deduction may be safely drawn that the Talmud

is no mere commentary upon the Bible. If not a commentary, is it, in itself, a legal code? This cannot be maintained, for the Tal mud Itself is explicit in asserting that one must not derive a law for practical application from any statement, or even from a precedent, unless, in either case, it be expressly said that the law or statement is intended as a practical rule. Thus Habbi lesi asked of Rabbi Johanau. What shall we do if you pronounce a law to be a Halakha?" that is, a deliverance, peculiarly sacred and binding. To this Rabbi Joha-

nan resilied: "Do not act in accordance with it intil you have heard from me that it is an Halakha of practice." Now only a few, if any, Halakhas are to be found in the Talmud which are accompanied by the mark which stamps them as rules for practical life. But, if the Talmud is neither a commentary on the Bible nor a compilation of fixed regulations, what is it? According to Dr. Rodkinson, what it recorded was not the decisions, but the debates of the leaders of the people. It constituted, so to speak, a body of current and independent criticism, adaptng itself to the spirit of the times, adding where additions seemed needful to the teachings of former days, and abrogating what at a given day had become valueless. In other words, the Talnud was the recorded utterance of the mind of the Jewish people in Babylonia, where, as compared with their treatment in the Roman empire after the fall of Jerusalem, they were comparatively free. The Talmud registered their words and thoughts, their hopes, and alms, and their opinions on every branch of thought and action. That is why not only religion and law and ethics and education, but history, biography, medicine, and even mathematics were all discussed. It dealt with living issues in the liveliest manner, and precisely for that reason it has continued to live.

TIT. As regards the ethics of the Talmud, they are almost identical with those of the New Testament and the Koran. In the brief introduction which precedes the first installment of the translation Dr. Rodkinson does not enter into a discussion as to which of the two former works is copied from the other. He points out, howthe same period, and he does not hesitate to say that many ethical principles are to be found in the pages of the Talmud of which no mention is made in the New Testament. Certainly, the ethical teachings of the Talmud, considered as a whole, do not deserve vituperation. How is it ossible, asks Dr. Rodkinson, that the Talmud should have been accused of teaching doctrines of monstrous iniquity when among its pre-scriptions we find this: "When one asks for food, no questions shall be asked as to who he is, but to him must be immediately given either ood or money." Again, the Talmud can find no better definition of wickedness than "the action of a rich man who, hear-ing that a poor man is about to buy piece of property, secretly overbids m." Could there he a higher conception of true charity than that indicated by the following incident? Mar Uqba used to support a poor man by sending him on the eve of each Day of Atonement 400 zuz (equivalent to one denar, or about fifteen cents.) When the rabbi's son took the money to the beneficiary on one occasion, he overheard the poor man's wife say: Which wine shall I put on the table? Which perfume shalt I sprinkle around the room?" The son on hearing these remarks deemed his father's charity misspulled and returning with the money, told him what he had heard. Said Mar Uqba, "Was that poor man raised so daintily that he requires such luxuries? Go back to him and give him double the sum!" This is not recorded by the Talmud as an exceptional incident; it is put forward as the Talmudical definition of real charity. Dr. Rodkinson maintains that the original and genuine Talmud, as it issued, sealed, from the hands of the Babylonian teachers, was free from the narrowness and bigotry with which it is usually charged, and, if phrases drawn out of the current text are quoted against it, he believes that it can be shown that those phrases never existed in the original compilation, but are subsequent interpolations. When one calis to mind that, since the canon of the Talmud was completed in the sixth century of the Christian era, it has existed in fragmentary manuscripts for eight centuries, until the first printed edition appeared; that, during the whole of that time, it was beset by ignorant, unrelenting, and bitter foes, and by unintelligent and dangerous friends; that marginal notes were easily added which, in after years, would creep into the text through the negligence of copyists and printers; there seems to be a reasonabl foundation for Dr. Rodkinson's explanation and

occasional absurdities with which the common-

M. W. H.

ly received text is undoubtedly encumbered.

Public Schools in Various Countries. Dr. W. T. Harris, in an introduction to Teach ing in Three Continents, by W. CATTON GRASHY (Syracuse, C. W. Bardeen), points out that, "in this book, we have the rare opportunity of seeing our educational system as it appears to one of our large-minded cousins from the opposite side of the world." The author is a resident of South Australia and was, for a considerable time, engaged in educational work. In 1894 he made an extended visit to this country, as well as to England, Scotland, France, and Germany, with a view of studying the development of public education. The comparisons he was able to make as a result of his observations are embodied in the volume before us. They will be found of value to all persons interested in our wn system or systems, inasmuch as they not only offer intelligent and sympathetic criticism. but supply us with the means of comparing for ourselves our own educational institutions with those of other lands. In this notice we shall confine ourselves, for the most part, to what the uthor has to tell us about the schools of England and Australia, only reproducing here and there the author's comments on American teachers, their methods of instruction, and the

I. Until outte recently, or, to be exact up to a quarter of a century ago, while there existed in England extensive provision for the education of the few, the many were almost totally neglected. On the one band was culture; on the other, ignorance, and, consequently, degradation. The great richly endowed foundation chools of the sixteenth century provided for the rich and influential an education leading to the universities of Oxford and Cambridge. A!most as exclusive in their sphere were the lesser natitutions intended for those lower in the so cial scale; the masses of the population were, to a large extent, left in ignorance. It was the Forster Education act of 1870-the act which the present British Ministry has in vain tried to modify during the present session of Parliament - which put an end to the grievous state of things which had previously existed. By that act, which is generally deemed the wisest and greatest law passed in England during the last twenty-five years, provision for the school accommodation of all children was made obligatory on the people of the various cities and districts, and attendance at school was made compulsory on the part of every child. The result of that law has been that, at the present time, the English people are better provided with elementary schools than even their cousins in America; no group of American States can be taken, comprising a number of nhabitants equal to that possessed by England and Wales, where such a great majority of the whole school population are attending school and receiving the rudiments of knowledge.

Every child is furnished with the means of instruction and compelled to attend. It should here be noted that in England the term "public schools" has a special meaning. which has nothing in common with that which the same term bears in the United States and in Australia. In England, by "public schools" are meant the great richly endowed foundation schools of the sixteenth century provided for the higher and middle classes. The schools established or affected by the Forster act, which alone corrrespond to what are known as public schools in Australia and the United States, are: first, the so-called voluntary schools which have been built and are partly supported by voluntary subscription; these are under denominational control; secondly. Hoard schools, namely, schools built and supported by money raised by local taxation, and controlled by elected School Boards. Out of 4,688,000 papils in the elementary schools governed by the Forster act, 2,154,000 are in the schools known as voluntary, provided by the Church of England and under its control; 1.780,000 are in Board schools: 330,000 attend schools under the British School Society, or

Wesleyan schools. Although, as we have said the schools here spoken of correspond more nearly than any others in England to the public schools of the United States and Australia. they are different in some respects, chiefly owing to the fact that they are provided expressly for the poor, and, in most cases, are attended by no other class. It is only by a consideration of the opposing interests indicated by the above figures that the student of English elementary education can comprehend the difficulties of administering the Education Department. This department has to distribute over \$15,000,000 annually, drawn from the imperial exchequer, among a number of opposing parties, each anxious to obtain as much as possible from the Government. This distribution is effected by means of a complex system of grants, the responsibility for recommending which rests on imperial inspectors, who make a greater or less number of surprise visits to every voluntary or Board school during the year, and annually, at a stated time, carefully examine each pupil in reading, writing, and arithmetic, and hold class examinations in such subjects as

may be taught. The employment and payment of teachers, provided they have the qualifications fixed by the Education Department, the charging of fees within limits fixed by the law, provided pupils are able to pay them, the designation of subjects for teaching outside those required by the department, and the regulation of religious instruction are left in the hands of the local authorities. The schools, therefore, in different parts of England vary greatly with regard to the accommodations provided and to the salaries paid to teachers; the character, too, of the education given varies greatly. Even in the same town a difference may be noticeable, and sometimes it is in favor of the voluntary schools; but, as far as Mr. Grasby could judge, the Board schools are generally superior. The denominational schools have to raise funds by voluntary contributions from friends, who, being ratepayers, have also to contribute to the support of the Board schools. This is, of course, a sore point of contention. The School Boards, with the tax-levying power at their back, are able to build handsome school houses, according to approved modern patterns, replete with every convenience, and, by offering good salaries, to attract the best teachers procurable for their purpose. The teachers in the neighboring voluntary schools find it hard to compete with those whose circumstances are so much more favorable. Mr. Grasby tells us that when visiting the poorer voluntary schools he could not heip ometimes concluding that it was possible to pay too dearly for the privilege of teaching an Anglican catechism, a Roman dogma, or a Methodist creed. The determination to teach a particular religion involves in many districts a struggle to keep open schools which are veritable barns compared with the adjoining wellbuilt well-ventilated and well-appointed achoolhouses; barns where the arrangements for ventilating, lighting, and seating are opposed to all laws of health, modern science, or common sense, and where, moreover, the teachers are badly paid and over worked. Such schools, happily, are exceptions; Mr. Grasby found that, as a excellent work is done in the voluntary schools. Before leaving this subject, the au thor corrects a misconception. So much has been written about cramming in the voluntary and board schools for result examinations, in order to earn grants from the imperial exchequer, that the belief prevails outside of England that the teachers receive the money thus earned. This is only indirectly true. The education department has nothing to do with the payment of the teachers. All sums carned by the schools are paid to the managers, be they School Boards or voluntary committees, who distribute them in connection with the funds derived from other sources, as they have occasion. As a matter of fact, all the School Boards, and also the managers of the more important voluntary schools pay their teachers fixed salaries. The author of this book concurs in the now general disapproval of the mechanical teaching practiced in English chools, but he attributes the chief blame to neither teachers nor pupils: he places it on the dministrators, who, professing to undertake the task of administering the work of national education, not only allow but enforce a condition of things which, however great an improvement it may be on the disgraceful state which prevailed twenty-five years ago, is un-

worthy of nineteenth century civilization. The School Boards find it necessary to obtain every possible pound sterling from the department to keep down local taxation. The managers of voluntary schools must do the same to avoid the obnoxious task of collecting subscriptions. Neither members of school Boards nor voluntary managers are usually scientific educators; and, naturally, they consider a good report from the Government inspector a guarantee of good work on the part of the teachers employed. But what chiefly influences them is the fact that a good report from the inspector is followed by a satisfactory grant from the Government. It is doubtless true that many teachers who follow the soundest methods of teaching contrive also to receive the best reports and earn the highest grants; but it is easily possible to obtain the same tangible results in a less estisfactory manner. Of late however an attempt has been made by the education department to insure education in a broad and high sense of the word, as well as mere instruction, by giving an increased grant based on average attendance, and by attaching more importance to the manner of teaching than to the ability of children to reproduce facts at the annual examinations. In Germany, it is well known that the authorities estimate the teacher's value and achievements chiefly by ascertaining how he teaches. Examinations, indeed, are held frequently, but it is to test the extent

> and invigorated, not his ability to retain isolated facts for long periods of time. III. Now, let us examine the provisions made for education in Australia. There is, it seems, a general agreement in the methods of admin istering elementary public education in the chief Australian colonies. In New South Wales, Victoria, South Australia, and Queensland, the educational system is highly centralized, and it would seem that, under the present | num. This bonus is the same for condition of the country, it must remain so in order to attain the maximum of economy and usefulness. The scattered nature of the population in the major part of each colony renders a local administration of the school system unsuitable and wasteful. As it is, the superior character of the educational facilities in even the thinly populated districts of Australia is one of the most noticeable and commendable features of its educational régime. It is probable that no other thin ly populated country is so well provided with good schools. We are told that the following general account of the mode of administration is in the main applicable to each colony: the whole business of public instruction is managed by the education department of the civil service, at the head of which is an Inspector-General. This officer acts under the Minister of Education, who estensibly has full control over the whole system and is alone responsible to Parliament and the country. In the Minister is vested all school property, and the appointment and dismissal of teachers is nominally in his power, but practically this power is exercised by and with the advice of the Inspector-General. It should be understood that what is here said refers only to the four principal Australian colonies. The grouping of the population of New Zealand around a number of well-defined cen-

tres, often somewhat difficult of access, the one

from another, has naturally led to the adoption

of the opposite system of management by local

Boards of Education. Except in Tasmania and

West Australia, however, whose united popula-

tion does not exceed 200,000 souls, all the Aus-

tralasian colonies agree in enacting that ele-

mentary education, up to a certain standard,

shall be compulsory, and in carefully carrying

other undenominational control; 248,000 are in teaching shall form no part of the official pro-

out the law; they are also agreed that religious

to which the pupil's mind has been awakened

ramme, and, moreover, shall not be given dur-Except in South Australia, which, during the

last few years, has made a new departure, and, like the most advanced American educational centres, has formulated a course of study on the German plan, there are but slight differences in the courses of study and methods of teaching. the English example being followed and the plan of result examinations being adopted as the chief means of testing the work. The school buildings do not differ materially from one another, being constructed with special reference to the methods of organization followed. Although they are well built, commodious, and often handsome structures, in which great attention has been paid to light and ventilation, they are not of the modern type of the more recent Board Schools of London and other large English centres, and are acknowledged to be far from being as con venient as American schoolhouses. The pupilteach system is in operation in all the Australasian colonies, as it is in England, and is, no doubt, one of the causes operating to prevent the adoption of the single class-room plan in the construction of the buildings.

On the Australian continent Victoria and Queensland have free elementary schools, while New South Wales and South Australia charge all who are able to pay nominal fees of a few pence per week. New Zealand, on its part, has adopted the principle of entirely free elementary education, and, as there is a decided tendency toward the same principle in South Australia, Mr. Grasby is justified in saying that Australasia as a whole is in favor of free, compulsory, and secular public elementary education. While New South Wales does not admit the principle of entirely free instruction to all alike, any more than England herself does, she has estab lished a system of public high or secondary schools open to all who have passed through the elementary schools, thus connecting her primary system with the universities. In fact, the New South Wales system includes five classes of educational establishments. First, public elementary schools, intended to provide the best primary instruction for all children, without sectarian or class distinction. These in the main, correspond, so far as the scope of the work is concerned, to the Board schools of England and the primary and grammar grades of the United States. Secondly, superior public schools organized in towns and populous districts where larger numbers give room for more extensive classification; these institutions give instruction in Latin, mathematics, ele-mentary science, and so forth, Thirdly, evening schools, the aim of which is to instruct those who have not had the advantage of primary education; fourthly, high schools for boys, and lastly, high schools for girls; the course of study in these high schools is such as will complete an ordinary education, or prepare students for the university at Sydney. This university is supported from three sources of income, namely, an annual vote from the pul lic treasury, a revenue from endowments, and fees from students. It has cost, in buildings and endowments, about \$1,500,000, part of which was provided by private contribution and part by the Government. In addition, a bequest of over \$1,000,000 has just been

made available In Victoria the Government makes ovision for secondary education, but the deficiency is made good by private corporations, many of which are controlled by religious bodies. In South Australia education department has acknowledged an obligation with regard to the secondary education of girls by establishing, in the face of much opposition, a central advanced school. Originally intended to form a link between the public elementary schools and the university, it has come to be an institution af-fording for those who are able to pay for it an education of a character not obtainable elsewhere. Since, however, it is only available for a section of the community, it cannot be considered an integral part of the public school system. The fees are \$60 a year, so that, apart from the few who have received scholarships for exceptional merit at the public schools, the poorer people are excluded from it. Such schools are undoubtedly opposed to the democratic principles of Australia. They are bitterly denounced by the friends of the private establishments with which they compete, and do not enlist the sympathies of the mass of the people. Mr. Grasby is one of those who believe it to be the duty of the State to provide secondary as well as primary education, but he nolds that it should be done in such a way that the whole community should be able to avail itself of the provision. Of course what we call secondary education cannot be given to all children under existing social conditions, and, for many reasons, it is hardly possible to conceive of a state of soshould endeavor to obtain the greatest possible benefit from its best minds, whether these belong to the poor or to the rich. The recognition of this principle is deemed by the author of this book one of the capital features of the American system of education. "When explaining our system." he says, "to friends in America I was frequently met with the remark, 'Australians appear to do more for the few, but less for the many, than we do,' and I could not but grant that the criticism was true."

Annual examinations form the principal tests of work in the Australian schools, and constitute the chief, often almost the sole, basis of teachers' promotions. The results are tabulated. and the percentage of passes in each subject is published. This percentage is assumed to be a correct measurement of the efficiency school is published in the records, and on it depend, directly or indirectly, the teacher's posttion. In Victoria, a large proportion of the teacher's salary directly depends on the percentage of possible passes obtained. That is to say, the teacher is paid according to the results he exhibits. He is a servant of the Education Department, and directly suffers if his percentage fails. This fact is mentioned by way of contrast to the English system, where the grant, indeed, of the Education Department depends on the result of the examination, but where the payment is made to the managers or school Board, as the case may be, the Education Department itself taking no cognizance of the teacher in the matter. In South Australia the teachers receive a bonus for successful teaching, graduated by the percentage gained, and varying from £16 to £24 per anteachers, irrespective of their academical status or regular salaries, and may form from 6 to 25 per cent, of their income. Should a school, however, obtain less than 60 per cent, of passes, the bonus is altogether lost. In New South Wales no result-payments or bonuses of any kind are authorized. To each teacher is paid a fixed salary from the public treasury, according to the size of his school and his classification. His promotion, however, depends on his success as a teacher, and this suecess is determined by the percentage of passes and a special mark for skill.

Mr. Grasby has a good deal to say about the omparative status of teachers in England, Australia, and the United States. It will be remembered that Dickens, who himself emerged from the lower middle class, reflected with harsn emphasis in "Our Mutual Friend," the contempt with which professional teachers in board or voluntary schools are regarded in England by university men. There is, undoubtedly. a noticeable difference in the posttion which the echool teacher takes, and in the respect evinced for his work, in the three principal English-speaking countries. author of this volume notes, on page 175, that a man or woman whose social relations would cause him to regard the function of teaching in an English elementary school as derogatory, would consider it a proper thing to take an appointment in an American public school. That is to say, the social status of teachers is higher in the United States than it is in England. It seems that this matter has frequently been discussed by English school teachers, and Mr. Grasby, when he was in London, heard a good deal about an organized attempt to send a school teacher to the House of

Commons to represent the Interests of his fraernity. The difference in the social position of English and American school teachers is no doubt attributable to a variety of causes These are correctly defined by Mr. Grasby to be the difference in the social status of the parents of both teachers and pupils; the difference in the character and the degree of training of the teachers; the difference in the social and political conditions of the two countries, and the consequent differences of school government; the varying methods of testing school work; the different character of discipline, which again is largely due to varying social conditions, together with the different arrangement of the schoolhouses. More compendiously, the differences may be charged to the fact that the American public school is provided for almost all sorts and conditions of children who can be allured by the attractions of tine buildings, cheerful and bright surroundings and free instruction, and who are there attended and taught by the sons and daughters of rich and poor alike; whereas the English elementary schools are expressly designed for the children of the indigent who could not afford to attend the more expensive private schools. This broad statement is, of course, subject to some modificarlon. Many rich Americans do not send their children to the public schools, while, on the other hand, an increasing number of English people, who could afford to pay academic fees, send their children to the Board schools, having observed that they give a better elementary training than private institutions.

Recurring to this subject on page 221, Mr. Grashy observes that, with regard to the social sition of schoolmasters, Australia occupies an intermediate position between her two older relations. He goes on to question whether much is gained by the superior respect in which the edagogie profession is held in the United States. For this has had the practical result of eading men who desire eventually to become lawyers, clergymen, or physicians, to adopt the work of teaching as a temporary expe-dient for the purpose of earning money wherewith to place themselves in an cupation more remunerative and less irk-He says truly that in our country it has been a custom for men to take to teach ing to earn money with which to go to college, or with which to continue there after matriculation; or again, having graduated, they teach school until they save sufficient to begin the practice of the law. To this custom Mr. Grasby attributes in no small measure the inferiority of the male in comparison with the female American teacher. It is worth while to quote what he says about those who teach only for the sake of enabling themselves to go through college and a law school. "Such men will not, as a rule, be first-class teachers. It is only when a nan's heart is in his work that he will do the best work. The men who simply take to teachng as the most avaliable occupation until something turns up' constitute the drag which stays the progress of educational reform. worst teaching I saw in America was by men who were graduates of some of the best universities. They taught as they had themselves been taught when they were boys at school. They formed the so-called conservative party at the Association meetings and Teachers' Institute. Their standing as university men gives their words weight which they do not deserve."

A word should be said about the proportion of male and female teachers. It appears that in the United States there are upward of 400,000 teachers, of whom but 37 per cent, are men. The foreign visitor who goes from city to city is astonished to find women reigning almost supreme throughout the public schools. If the visitor is an Englishman, however, he ought not to be amazed. Of the 95,000 public elementary teachers under the English Education Department only 31 per cent. are male; that is to say, the proportion of male teachers in England is even lower than it is in the United States. In London there are now nearly twice as many women as men adult teachers, white only ? per cent. of the pupil teachers are maie. At the same time women are less often found in charge of boys' schools in England as they are in the United States. There is always a man at the head. If the different proportion of male teachers in the several States is scrutinized some curious facts will be observed. Where education is worse the proportion of male teachers is highest, whereas in the centres where it has made the greatest progress it is becoming a curiosity to find a male teacher in the primary and grammar schools. Thus in New Mexico 78 per cent. of the teachers are men; in Arkansas, 73 per cent.; in New York State, 17 per cent.; in If we pass from States to cities, we find that in ciety where it could; not the less is it pro-nounced needful and important that the State the primary and grammar school teachers are men; in New York city the percentage is 13; in San Francisco, 6; in St. Paul, 5; in Chicago, 4; in Philadelphia and Minneapolis but 3; there are fourteen smaller cities which employ only female teachers. With these figures we may contrast the proportion in South Australia. where 45 per cent of all the regular teachers are male.

In a chapter on organization it is pointed out that in all countries where elementary education has made great progress, except in some of the United States, instruction in the elementary branches of knowledge is compulsory, not only in name, but in fact; and even in our own re public those States which have made the greatest progress in public education have at least affirmed the principle. In France attendance at school is positively compulsory from the time the child leaves the infant school until he is thirteen years of age; he cannot go to work more than six hours a day until he is fifteen unless he | New York. It succeeded "the Worshipful has passed a compulsory test. If, however, he has his "compulsory certificate" he may be free to work at eleven. In Germany, which is, of course, not a unified nation, but a confederation, the law varies. In Hamburg attendance is compulsory from six to thirteen years of age; so it is in Saxony. In Baden, Bayaria, and sor other States boys and girls may leave school at twelve, thirteen, or fourteen, but they are required to attend the evening "continuation schools" during several additional years. The essential principle in Germany is that a child shall attend school as many years as possible under good teaching, rather than that he shall be prepared for an examination. Much of the superferity of the German shall education is attributable to this fact. As we have said, the German authorities endeavor to ascertain how the children are taught, the English what they are taught. The five English pounds. Errors were corrected in the German inspector pays more attention to methods, the English to results. In England a child must begin school attendance et 5. When he has passed what is known as the fourth standard, which generally represents five years' study, he may work half time; after passing the fifth standard he may leave school altogether. In manufacturing districts the majority of the children are said to be-10 years of age; but, although attending sch half time, most of them make equally rapid progress in the compulsory subjects with those who are at school the whole day, so that at 11 years of age the larger proportion of children are exempt from attendance at school. There is in England a growing disposition to extend the school age, and to adopt the German plan of ance is compulsory to the age of 14, unless the

evening continuation schools. As it is, fifth standard is passed before. The compulsory law of the State of Massachusetts makes attendance obligatory for twenty weeks in the year between the ages of 8 and 14. under a penalty not exceeding \$20; but if the parent, neglecting to comply with the law, "was unable, by reason of poverty, to send such child to school, or if he has attended a private school, or if his physical or mental condition renders it impracticable, such penalty shall not be incurred." All these grounds of exemption are valid in England except poverty. The prescribed minimum of attendance, however, is just half that of England, where 400 halfday attendances are necessary to comply the law. The Massachusetta apparently, is well carried out, and the children who do not

tend any school in Massachusetts is small. It s well known that New York has a compulsory law embracing children between the ages of eight and fourteen, but such a law is of necessity inoperative when, as happens in some of the cities, there is not sufficient accommodation for the children. Mr. Grasby was correctly informed that in September, 1888, nearly 4,000 children had to be refused admission to the chools of New York city alone. The author, however, appreciates the difficulty of providing school accommodations in cities such as New York. The configuration of Manhattan Island is long and narrow, and the population ward as the city has grown, leaving the schoolhouses in the south comparatively empty, while there has been a constant outers for room in the newer districts. All the north Atlantic division of States, except Pennsylvania; all the north central, except Indiana, lows, and Missouri: and all the trans-Mississippl, except Colorado, Arizona, Utab, and Oregon, have compulsory laws. None of the Southern States have legislation of this kind. Even where compulsory laws seem they are, in a large degree, inoperative, owing either to the want of accommodations or to the absence of a coercive public epinion. Consequently the children most in need of education receive none. The New Jersey law requires schools to be open at least nine months, but Mr. Grasby was informed that over one fourth of the children of school age did not attend school at all. In Rhode Island he was told that about one-fifth of the children between seven and fifteen did not attend school. Pennsylvania has no compulsory law, and the superintendent acknowledged that, after making all due allowance for those who attend private schools, the statistics of the public schools demonstrated that a large number of children of school age grew up with-

VIII.

out instruction.

We would not take leave of this valuable book without glancing at an interesting feature of the Parisian educational system. We are saured that nothing strikes the visitor to the Paris elementary schools more than the soliciude exhibited by the authorities for the children's welfare. The schools are free and compulsory, and no one must be excluded from any school on account of poverty. If the parents have to go to work early, the school is receive the children at any hour, and they are there cared for until the parents return in the evening, receiving, meanwhile, their meals at the school. If the parents are unable to provide them with respectable clothes, an order given on the Government contractor, and there is nothing to show that they have not een bought by the parent in the ordinary way. We are not informed what precautions are taken against the pawning by intemperate parents of the clothes thus obtained. The paternal care of the French authorities is best exemplifled by the system of school dinners. After the children have worked all the morning, a good dinner becomes a necessity for health, no less than as a basis for afternoon work. It would be of little use to send the majority of the children home. Their mothers are either employed away from home or are too busy to attend to them besides, it is more economical to provide for several hundred than for one or two. Every communal school, accordingly, has its kitchen, and at noon long tables and benches are set out in the large hall; all children who do not wish to go home are provided by the director with a dinner ticket. If they are able, they pay from two to four cents; If not, they get the check all the same. Thus all appear equal when they enter the dining hall. They file down, and, as they pass the kitchen, each receives a basin of excellent soup and a plate of meat and vegetables. It appears that over eighty per cent, of the children take their midday meal at school. The average cost per plate is barely a cent and a half. school of 500 pupils Mr. Grasby learned that during two months 5,260 dishes were provided, of which 1,140 were given away. The total cost was less than \$74, of which \$32.40 had to be provided by the authorities.

The Late Court of Common Picas.

Not only practising lawyers, but all persons interested in jurisprudence will be glad to learn that a History of the Court of Common Pleas of the City and County of New York has been compiled by Mr. JAMES WILTON BROOKS of the New York Bar. As the author points out in his preface, the book is in no sense a law treatise. and there was no room for such, the decisions of no court having been more carefully reported than those of that which is the subject of this volume. Mr. Brooks's purpose was to discuss the personal side of the court; sketches of all and portraits of twenty-one out of the Massachusetts and New Hampshire, 10 per cent. | twenty-three-Judges identified with the later history of the court will be found within the covers of this volume. The "Minutes" are als to at some length, because the proceedings covered by them are historical, and for the reason that this part of the history of the court has nowhere else been printed. The Court of Common Pleas having been abolished by the Constitutional Convention of 1894, the work which it accomplished has become material for history, and Mr. Brooks has rendered a service to the community by recognizing the fact. We shall endeavor to give in a few paragraphs an outline of the interesting chapters in which he traces the development of the court during the Dutch domination and the English period, as well as

since the Revolutionary War. The Court of Common Pleas, founded in 1686 in the city of New York, extended in 1691 throughout the State, restricted again in 1848 to the city of New York, and, finally, in accordance with the amended State Constitution of 1894, passing out of existence on Dec. 31, 1895 was the oldest judicial tribunal in the State of Court of the Schout, Burgomasters, and Schepens," which was established in 1653, and may thus be said to have had a continued existence of nearly two centuries and a half. It was twice as old as the nation. In its passing away may be seen the severance of one of the la links which bound the present time to the old days when the language of the city was Dutch, when the Courts were Dutch, and when its laws came straight from Holland. Itself established by Gov. Dongan in the city of New York in 1686, a Court of Common Pleas was created, as we have said, in each county throughout the State by the act of 1691. The Judges and clerks were, in general, appointed by the Governor, and held office during his pleasure, or so long as their own behavior was good. The court had cognizance of all actions, real, personal and mixed, where the amount involved exceeded first instance by the Supreme Court, to which appeals were allowed for any judgment where the amount involved exceeded twenty Euglish pounds, or about \$100 of our money

The Court of Common Pleas of the city of New York was known for many years, and in fact until 1821, under its original Dutch name, and was called the "Mayor's Court." Its criminal branch was known as the "Court of Sessions." The city records leave it in doubt as to whether the court was held during the war of the Revolution, when the city was oc-cupled by British soldiers. In the beginning of 1784, however, James Duane was appointed Mayor, and thenceforth there was no break in the sittings of the court. Judge Durne's high haracter drew before his tribunal every New York lawyer of ability, including such leading practitioners as Alexander Hamilton, Agron Burr, Edward Livingston, Brockholst Livingston, Morgan Lewis, and Josiah Ogden Hoffmann. By the Dongan Charter it was provided, among other matters, that the Mayor, the Recorder, and Aldermen, or any three of them, of whom either the Mayor or Recorder was required to be one, were authorized to hold the Mayor's Court, or the Court of Common Pleas. As a matter of fact, it was presided over by the Mayor and Recorder alternately. During the thirty years from 1789 to 1821 the list of Mayors and Recorders who sat in this court included many of the most distinguished lawyers of this State. The Mayors were Richard Varick, Edward Livingston, De Witt Clinton, Marinus Willet, Jacob Radcliffe, and Cadwallader D. Colden; the Recorders were Samuel Jones (father of the late Chief Justice), James Kent, Richard Harrison, John B. Pro-

greatly increased and that the Mayor had ceased to preside in it, it was concluded that the name Mayor's Court, no longer appropriate, should be abandoned. An act was prepared by John Anthon, and passed by the Legislature, changing the name to the "Court of Common Pleas of the City of New York." and the office of "First Judge" was created, The Governor appointed John T. Irving as First Judge. The Mayor, Recorder, and Aldermen were still authorized to sit in the court as formerly, but the First Judge was empowered to hold it without them. In 1834 an Associate Judge was provided. He was vested with all the powers of the First Judge. The Governor appointed Michael Ulsbooffer, whose standing at the bar and in the community was shown by the fact that he had already served the people as District Attorney and Corporation Counsel. On the death of Judge Irving in 1808, Judge Ulshoeffer was appointed First Judge, and Daniel T. Ingraham (father of George i., Ingraham, now a Justice of the New York Supreme Court) was appointed Associate Judge, Meanwhile the business of the court had increased so rapidly that in 1839 an additional Judge, vested with all the powers of the other two Judges, was created, and William Inglis was appointed as a Second Associate Judge, thus making the full bench of the Common Pleas to consist of three Judges. The number was increased to six in 1870, but, as the Governor was authorized, at the same time, to designate one of these to serve on the Bench of the Supreme Court, the number was practically only five. In 1844 Charles P. Daly, then only 27 years of age, was appointed in the place of Judge Inglis as Second Associate Judge. The Constitution of 1846 excepted from the general judicial reorganization of the State the Court of Com mon Pleas and the Superior Court of the city of New York. A law enacted the next year, however, provided that the Judges of both courts should be elected by the people. All the existing Judges of the Common Pleas (Ulshoeffer, Ingraham, and Daly) were elected in June, 1847. In 1849 Lewis D. Woodruff was elected in place of Judge Ulshoeffer, and, in 1850, Judge Ingraham was chosen First Judge. Judge Ingraham was reflected in 1851, as was also, in 1853, Judge Daly. Their successors were John R. Brady, Henry Hilton, Albert Cardozo, Hoopey C. Van Vorst, George C. Barrett, Frederick W. Loew, Charles H. Van Brunt, Hamilton W. Robinson, Richard L. Larremore, George M. Van Hoesen, Henry Wilder Allen, Joseph F. Daly, Miles Beach, Henry W. Bookstaver, Henry Bischoff, Roger A. Pryor, Leonard A. Riegerich. There have been since 1821, as will be observed, but twenty-three Judges, four of whom served as First Judges, and three, Judge Charles C. Daly, Judge Laremore, and Judge Joseph F. Daly, as Chief Justices.

voost, Maturin Livingston, Pierre C. Van

Wyck, Josiah Ogden Hoffmann, Peter A. Jay,

and Richard Riker. While Maturin Livingston

was Recorder, Mayor Clinton ceased to preside

in the Mayor's Court, and from that time on

when, from the fact that its business lad

the Recorder sat as presiding Judge until 18

## TSATE AT HOME.

The Violiniat's Home in Brussels, His Orchestrs, and His Appetite.

Ysaye, the violinist, who enjoyed a year ago such unusual success in this country, has built in Brussels a fine house, which probably represents the substantial results of his American concert season. He will not return to the United States for a year or two. He has given evidence lately of his devotion to the musical interests of his own country by the organization of an orchestra, compose men not identified with the older musical associations of Brussels. This orchestra, he has declared, will be devoted in the main to the interpretation of modern music, particularly to the work of the newer French and Belgian composers. When Ysaye was in New York he told a Sun reporter that he had failed entirely to understand the domination of German ideas in music which prevailed in this city and throughout the country.

"Wherever I went," he said, "there were conservatories and colleges of music from New York to San Francisco, and always the name of the director was German. If I have any criticism to make of musical taste in this country, and particularly in New York, it is that the German influence is incomprehensibly strong."

Whatever the value of this opinion may be, I saye evidently adheres to it still, for he lately told an interviewer: "For originality and individuality I think we must turn to the rising school in France. I see but little in Germany or Russia." I saw's orchestera, which had none of the support secured by guarantees or subscriptions, was received with so much cordiality by the people of Brussels that its first season of concerts paid its way. The violinist's success as a conductor was great, and, in view of his temperament and personality, this is not hard to understand. German influence is incomprehensibly strong."

Y-ave has taken to the bicycle, and his friends

Yease has taken to the bicycle, and his friends here wonder whether or not it has increased his appetite. When he came first to New York he stopped at a hotel where the cooking was German, and his managers were particular to explain that this house was selected because Wienawski, the violinist, had lodged there when he was in the United States. But this association was not strong enough to keep Ysave in a hotel which did not supply food that suited his taste. After a day or two he made a break for a Frenich hotel down town, and the she still rolls his eves in wonder when Ysave's name is mentioned. Such quantities of food had never been served, in the history of the establishment, to any man, nor had any other made such strenuous demands on the bar. Ysaye learned to like American drinks while he was here, and, combined with the thirst he had acquired in his own land, this new knowledge produced a dreadful result. Ysaye had a room on the first floor of this hotel, and the patrons in the cafe could hear him practising every day. The music was delightful, but frequently interrupted by the imperative ringing of the violities's bell or his sudden appearance in the cafe, as he demanded from the entire staff of waiters some immediate relief from his hirst, which apparently was hard to quench. But his appearance here are wondering if the bicycle has been found the only relief from a carreer of se much cating and drinking. But it appeared while he was here too natural to be the result of a new climate.

## CLEARED HIS CLIENT.

The Able Argument that Faved a Cracker from Going to Jall.

From the Daily Florida Citizen.
There are four bosom companions in Jacksonville-the broker, the dentist, the undertaker, and the capitalist. Where you see one of them you will find the rest-taking a drink. The undertaker and the capitalist admire the dentist and the broker because they can tell such wonderfully clever stories. The broker and the dentist revere and love the undertaker and the capitalist because they are such wonderfully

good listeners. This happy, admiring quartet form an ideal roundtable, and around this roundtable the two listeners often hear good stories by the dentist and the broker. The dentist is an imaginative sort of a story-teller, who manufactures finales to fit incidents. The broker is a great reader. a realist and a philosopher.

to fit incidents. The broker is a great reader, a realist and a philosopher.

One night the broker told of a lawsuit in Alabama. A cracker from the mountains was of trial for shooting and wounding a "nigher." He was arrested, and, having no money, the Judge appointed the broker to defend him. The broker was not a lawyer in the legal sense of the word, but the Judge, who was an old callege mate of his, said he was an idiot because he wasn't one; in other words, that he was a lawyer by instinct. The broker cross-questioned the witnesses briefly, sending in now and then a sacrastic and discomitting tradectory. When he came to make a speech, he said:

"Gentlemen of the jury, I have taken great jains to show you that my client was a respectable citizen. Ten witnesses have asserted on oath, mind you—that he stands high in his continuity."

The defendant was six foot three inches to

monity."
The defendant was six feet three inches tall.

The defendant was six feet three inches tail, and the jury smiled.

"He stood high in his community, and that is sufficient. Now for the law. We find in the thirtieth verse of the sixteenth chapter of Chitty on Pleadings—Chitty, gentlemen, was one of the bravest generals in the Confederate army—this well-established principle of law."

Here the broker snaps his eyes together and adjusts his glasses, holds the book far off, elevates his chin, and reads:

"No respectable white man can be guilty of crime."

That, gentlemen, is enough. I leave the cars in your lands."

Fach juror changed his quid, looked at his neighbor, nodded, and without leaving their seaks rendered a joind and emphatic verifict of Not guilty, "and then joined in three cheers for the detendant and his lawyer.

The undertager found fault with the story because notwely in it had been killed.

The dential remarked that if anybody deserved killing it was the broker.